

REMARKS

The non-final Office Action of December 10, 2008 rejects all pending claims 1, 2, 5-9, and 11-13. In this Amendment in Reply, Applicants amend claims 1, 8, 9, 11, and 13, and add new claims 15 and 16. As such, claims 1, 2, 5-9, 11-13, 15, and 16 are pending. Applicants respectfully request the Examiner's consideration of the pending claims in view of the amendments and remarks set forth in this Amendment in Reply.

Interview Summary

Applicants conducted an interview with Examiner Cardenas-Navia on January 6, 2009. Applicants thank the Examiner for taking the time to conduct the interview. The interview generally pertained to independent claim 1, the rejection of claim 1 under 35 U.S.C. §§ 102 and 112, and U.S. Patent Publication No. 2005/0065832 to Virta ("the Virta reference"). Although no agreements were explicitly reached, the Examiner suggested that the alleged indefiniteness of claim 1 under 35 U.S.C. § 112 could be resolved by amending claim 1 to recite "for a remaining portion of the requested time period" instead of "for the remaining portion of the requested amount of time." Additionally, the Examiner suggested that claim 1 be amended to additionally reflect that the first scheduling request and the second scheduling request are received from the same source.

Claim Amendments: Claims 1, 8, 9, 11, 13, 15, and 16

Applicants amend independent claims 1 and 8, and dependent claims 9, 11, and 13, as indicated above. Applicants add new claims 15 and 16 to depend from claims 1 and 8, respectively. New dependent claims 15 and 16 incorporate the Examiner's suggestion regarding "the same source." Support for these claim amendments can be found throughout the specification, for example, at page 3, line 20 – page 4, line 27 and page 7, line 22 – page 8, line 4. As such, no new matter is added.

Claim Rejections – 35 U.S.C § 112

The Office Action rejects claims 1, 2, 5-9, and 11-13 under 35 U.S.C. § 112, second paragraph, as being indefinite. As amended, independent claims 1 and 8 incorporate the Examiner's amendment suggestion for resolving the alleged indefiniteness of claim 1. As such, Applicants respectfully request removal of the rejections under 35 U.S.C. § 112 of independent claims 1 and 8.

The Office Action does not provide any additional basis for rejecting dependent claims 2, 5-7, 9, and 11-13 under 35 U.S.C. § 112 other than the above issue. As such, Applicants respectfully request removal of these rejections under 35 U.S.C. § 112.

Claim Rejections – 35 U.S.C. § 101

The Office Action rejects claims 1, 2, 5-9, and 11-13 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. As amended, independent claim 1 and its dependent claims recite "which steps are executed on the computer and which steps are executed manually." (Office Action at p. 3). As amended, independent claim 8 and its dependent claim recite structural and functional interrelationships between the computer and the program such that the computer is capable of executing the program and allowing the program's functionality to be realized. As such, claims 1, 2, 5-9, and 11-13 are directed to statutory subject matter. Applicants respectfully request removal of rejections to these claims under 35 U.S.C. § 101.

Claim Rejections – 35 U.S.C. § 102

The Office Action rejects claims 1, 2, 5-9, and 11-13 under 35 U.S.C. § 102(e) as being anticipated by the Virta reference. Claims 1 and 8 are independent. This rejection is rendered moot by the above amendments but Applicants are not conceding that the rejection has merit.

The Virta reference does not teach or suggest "the second scheduling request specifying that a portion of the requested amount of time is to be scheduled in a specific time slot within the requested time period," as recited in independent claims 1 and 8.

As an example, Applicants' claimed subject matter relates to a "resource planning application [that] is capable of receiving a concrete request that is a refinement of the previously

described non-concrete request.” (Spec. at p. 7, lines 22-23). Referring to FIGS. 2B-C (reproduced below) as an illustrative example, a “resource planning application [] receives a non-concrete request for sixteen hours of service from the resource sometime on the dates of June 10-12 [and] . . . evenly distributes the non-concrete request into portions 231, 232, and 233 over the three-day period 200.” (*Id.* at p. 6, line 30 – p. 7, line 11). The resource planning application receives a “refinement [which] is a concrete request that specifies the resource must serve eight hours (out of the originally requested sixteen hours) on June 11 during the time slot of 8:00 AM to 4:00 PM.” (*Id.* at p. 7, lines 24-25). Based upon the refinement, “the concrete portion 240 is scheduled in the electronic schedule according to the time slots specified in the concrete request (8:00 AM to 4:00 PM).” (*Id.* at p. 7, line 31 – p. 8, line 2).

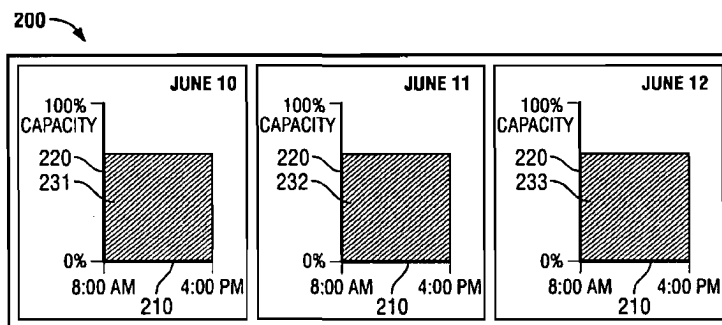


FIG. 2B

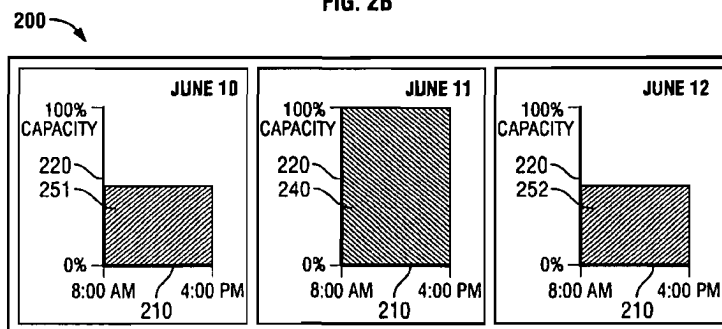


FIG. 2C

The claims bear out aspects of the example refinement features above. For example, claim 1 recites “receiving at the computer system a second scheduling request for the resource that refines the first scheduling request, the second scheduling request specifying that a portion of the requested amount of time is to be scheduled in a specific time slot within the requested time period.” Additionally, claim 1 recites “scheduling by the computer system in an electronic schedule the portion of the requested amount of time in the specific time slot.”

In contrast, the Virta reference does not teach or suggest “the second scheduling request specifying that a portion of the requested amount of time is to be scheduled in a specific time slot within the requested time period,” as recited in claims 1 and 8 (emphasis added). Contrary to the Office Action’s allegation, the example provided by paragraph [0022] of the Virta reference does not provide such a disclosure. Framing this example from the Virta reference in the terminology of claims 1 and 8, Jerome (“a resource”) sets aside at least two hours to be free (“a requested amount of time”) during his working day (“a requested time period”). Matt’s attempt to schedule a meeting (“a second scheduling request”) with Jerome (“the resource”) in the morning is within the working day for Jerome (“the requested time period”). However, Matt’s meeting request (“the second scheduling request”) does not specify that a portion of Jerome’s two hours of free time (“the requested amount of time”) is to be scheduled in a specific time slot. Instead, Matt’s meeting request (“the second scheduling request”) specifies that the meeting is to be scheduled in a specific time slot. (See Virta at [0022]).

Furthermore, FIG. 4 from the Virta reference (reproduced below), that the Examiner mentioned during the interview, does not provide such a teaching or suggestion either. The difference in capitalization does not indicate “a second scheduling request for the resource that refines the first scheduling request,” as recited in claims 1 and 8. Instead, the Virta reference makes clear that “the capitalization of the items in FIG. 4 is critical. The entry on Monday for a "jog" means that two hours are allotted to the jog, and those two hours can occur any time between 13:00 and 16:00.” (Virta at [0041]).

FIG. 4

Daily Schedule of User Having Dynamic Reservations							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
8							
9		MEETING					
10		MEETING				SWIM	
11			lunch			SWIM	
12			LUNCH			swim	
13	JOG		lunch	SEMINAR		swim	
14	JOG			SEMINAR			
15	jog						

For at least the foregoing reasons, the Virta reference does not anticipate independent claims 1 or 8. As such, Applicants respectfully request the Examiner remove the rejections

under 35 U.S.C. § 102 of independent claims 1 and 8, as well as claims 2, 5-7, 9, and 11-13, which depend either directly or indirectly from one of the independent claims.

Conclusion

Applicants submit that claims 1, 2, 5-9, 11-13, 15, and 16 are in condition for allowance, and request that the Examiner issue a notice of allowance.

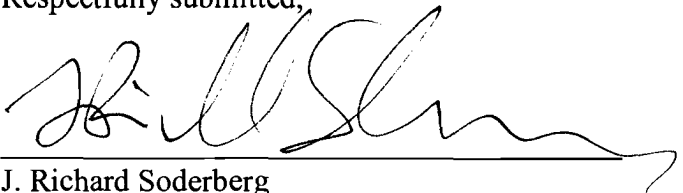
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

No fee is believed due. Please apply any charges or credits to deposit account 06-1050.

Date: _____

2/10/09

Respectfully submitted,



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